



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200400076

Date: January 22, 2004

Notice No. 04-2

Closing Date: February 11, 2004

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899.

2. APPLICANT: Orion Power MidWest, L.P.
121 Champion Way
Suite 200
Canonsburg, PA 15317

3. LOCATION: Mahoning River, right bank, Mile 30.4, in Niles, Trumbull County, Ohio

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to perform maintenance dredging, as necessary, for a period of 10 years, to clear accumulated sediment from the Niles Power Plant intake structures to allow for continued flow of cooling water to the plant's generating units. Approximately 2,500 cubic yards of sediment would be removed to restore water depths to 10-15 feet below normal pool elevation 845.15. Determination of the actual volume of material to be removed would be established by soundings. Sediments would be removed using either a clamshell bucket or suctioned with a vacuum dredge, as deemed necessary, and would be disposed of at an upland site to preclude reentry into the waterway or, in the event of suction dredging, allowed to settle in the existing plant flyash ponds. The supernatant water will percolate through and/or overflow a porous dike into an adjacent bottom ash pond and then to the Mahoning River. The dewatered solids would be excavated and sent offsite for disposal pending laboratory analysis. Drawings of the proposed project are attached to this notice.

5. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

6. **IMPACT ON CULTURAL RESOURCES:** The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

7. **PUBLIC INVOLVEMENT:** Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

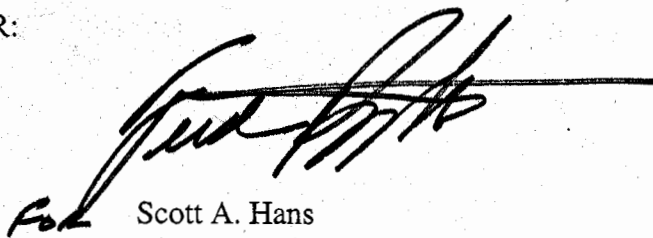
8. **EVALUATION:** Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

9. **RESPONSES:** A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Linda Malsch, at the above address, by telephoning

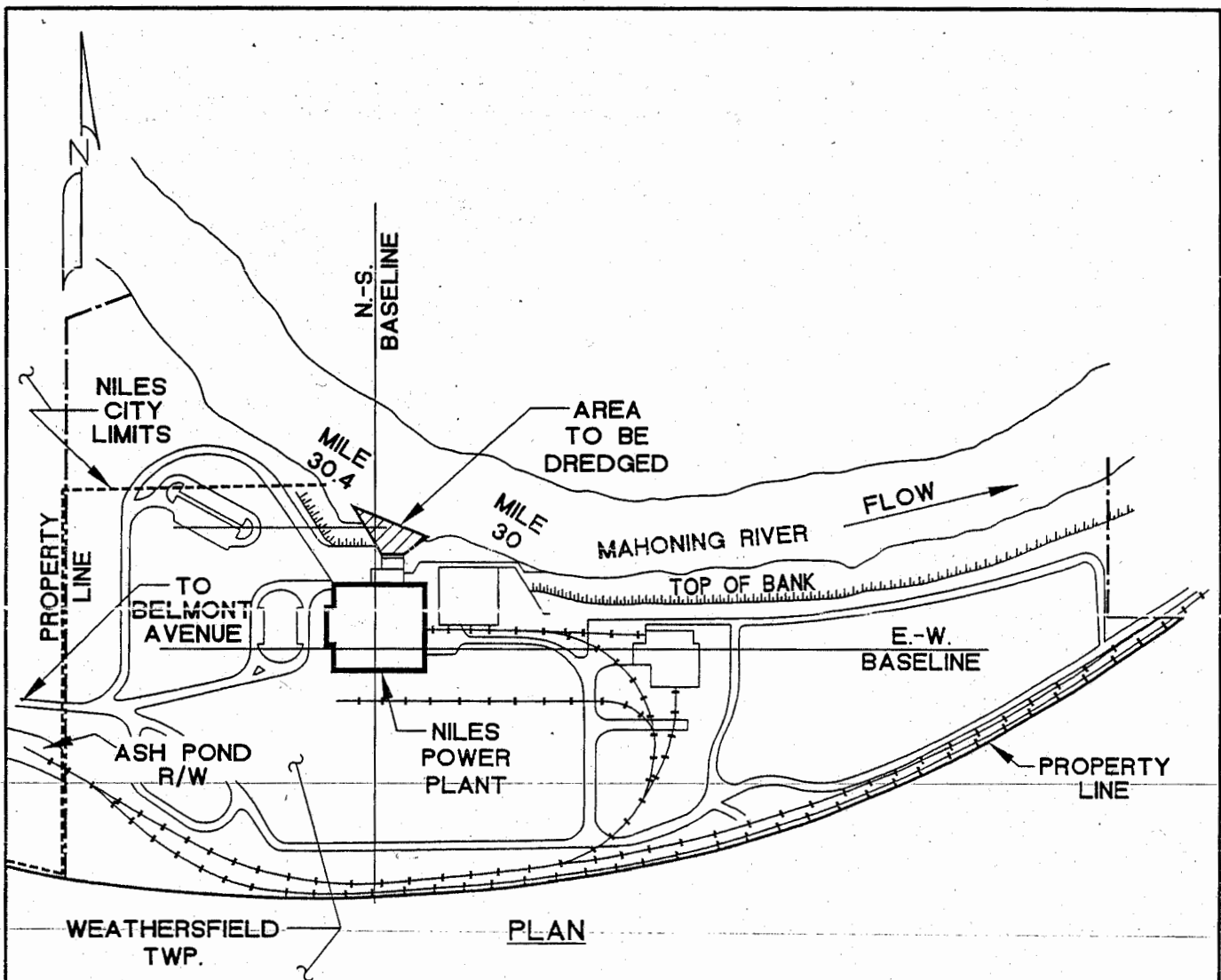
CELRP-OR-F
Public Notice No. 04-2

(412) 395-7157, or by e-mail at linda.m.malsch@usace.army.mil. Please refer to CELRP-OR-F 200400076 in all responses.

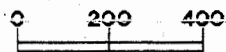
FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "Scott A. Hans", is written over a horizontal line. The signature is stylized and cursive.

Scott A. Hans
Chief, Regulatory Branch



SCALE IN FEET



1" = 400'

DATUM - HIGH WATER PROFILE

MAHONING RIVER

U.S. ARMY ENGINEER DISTRICT


PITTSBURGH, PENNSYLVANIA

Reliant
Energy.

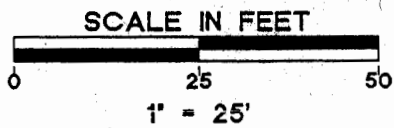


"AutoCAD" Supported Drawing

SHT 1 OF 3

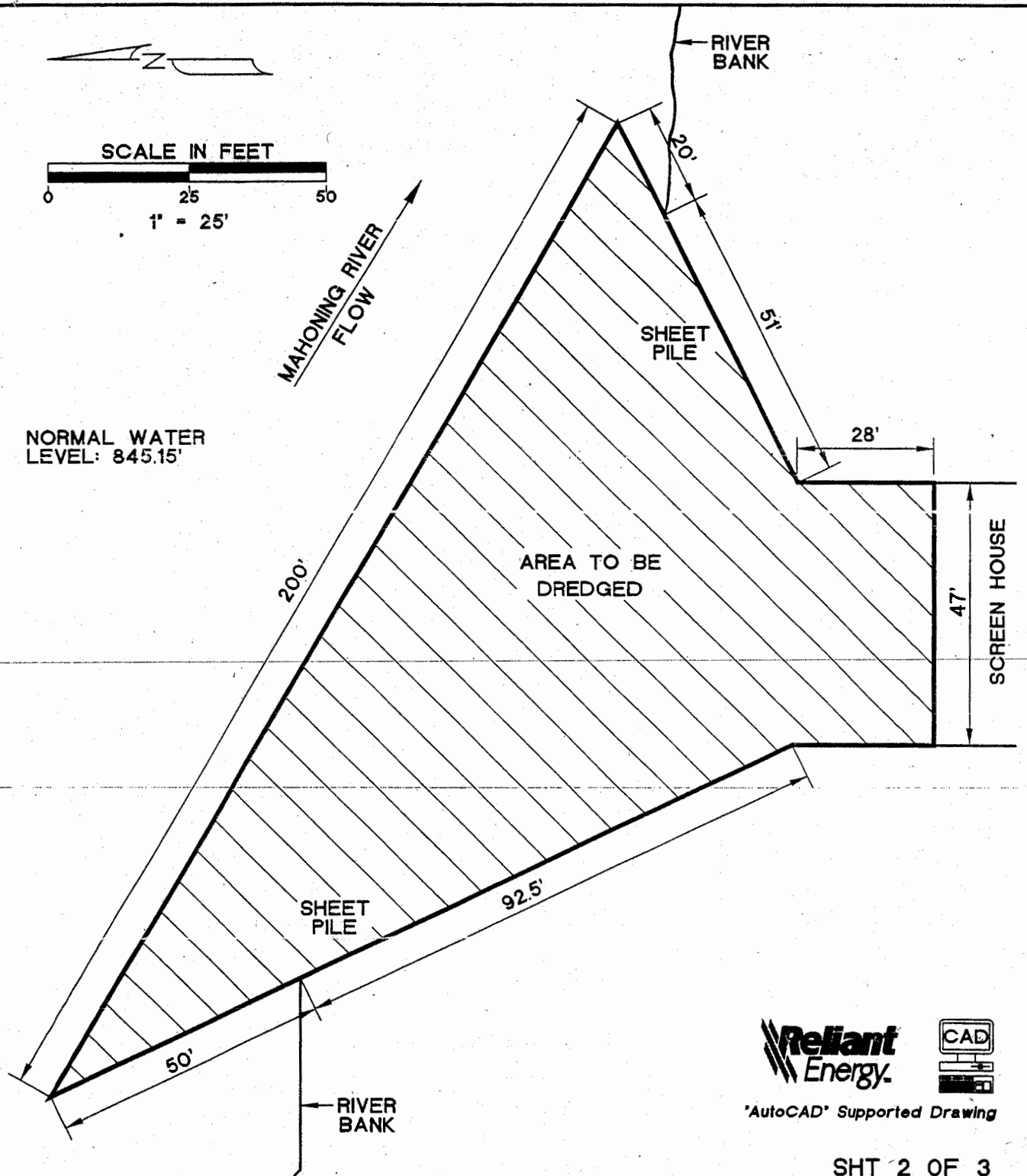
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REV		REV			Unit(s) : ALL					
REV		REV								
Operations Technical Support		Engineering Approvals				DREDGING PERMIT NILES PLANT TRUMBULL COUNTY NILES, OHIO 44446				
		Discipline	Architectural	Civil	Electrical					Mechanical
		Engineer		N. ROZIC						
		Drafting		Date	11/20/03	D-6087		AS NOTED	SS-744-3002	0
		CMP / R RE	11/20/03	Reviewed By		D. REARDON	TASK NUMBER		Scale	DRAWING NUMBER
Made	Date	Date		11/20/03						

#200400076



MAHONING RIVER
FLOW

NORMAL WATER
LEVEL: 845.15'



Reliant
Energy.

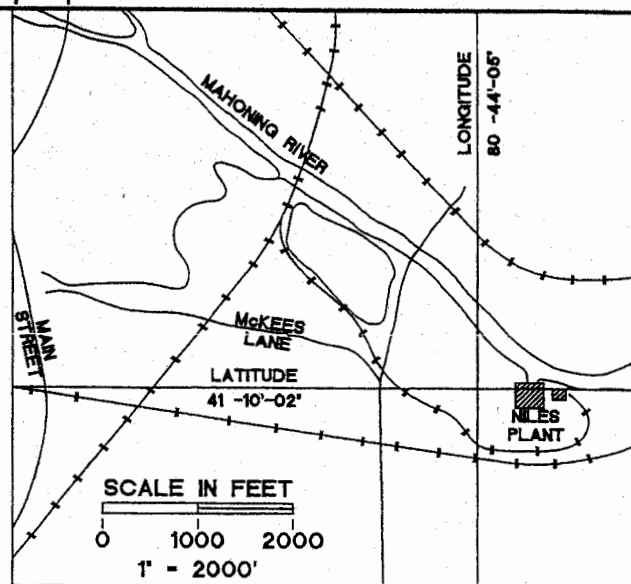
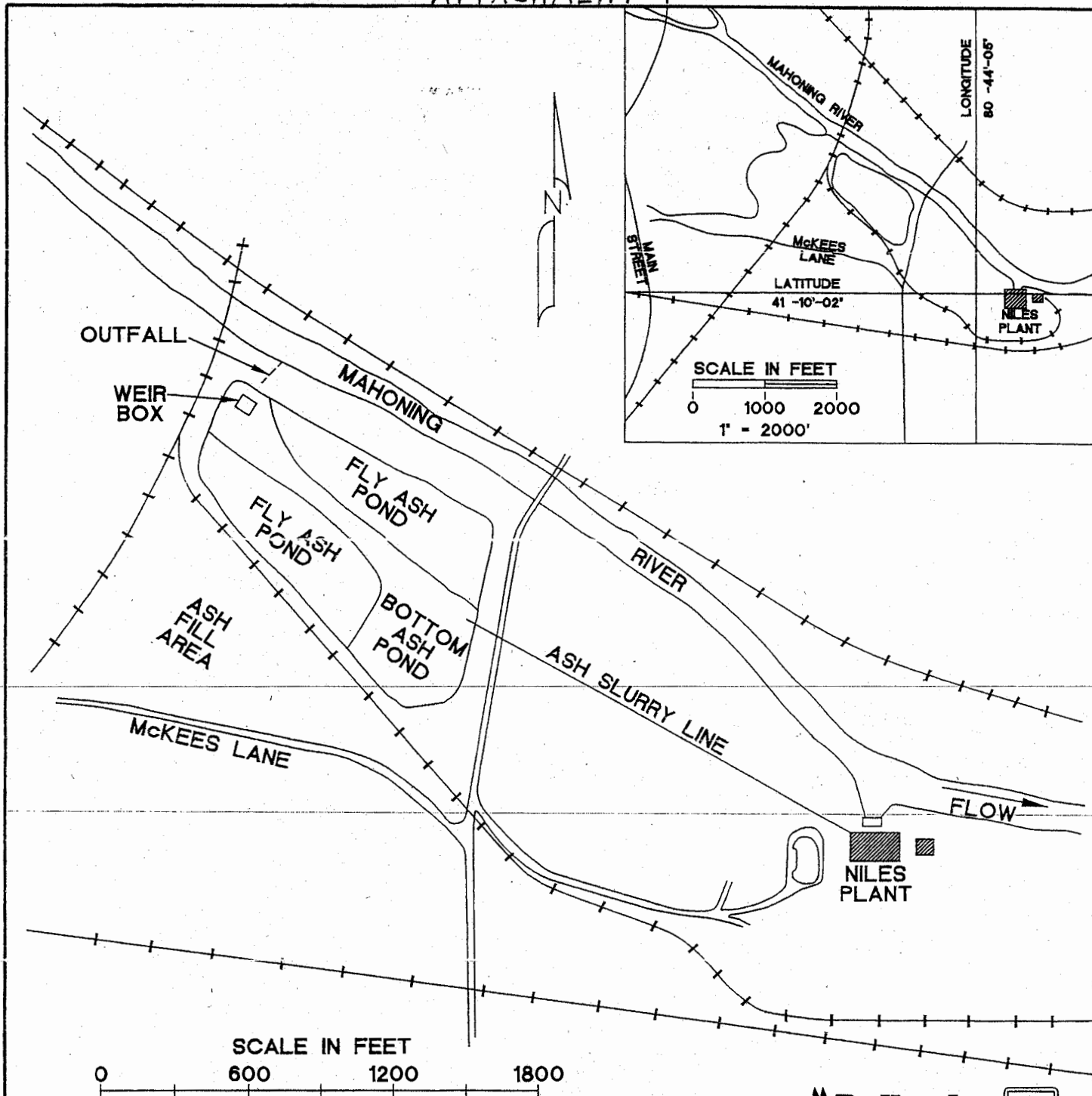


'AutoCAD' Supported Drawing

SHT 2 OF 3


REV		REV		Reliant Energy.		Station : NILES PLANT					
REV		REV				Unit(s) : ALL					
Operations Technical Support		Engineering Approvals				DREDGING PERMIT NILES PLANT TRUMBULL COUNTY NILES, OHIO 44446					
		Discipline	Architectural	Civil	Electrical	Mechanical	D-6087		AS NOTED	SS-744-3003	0
		Engineer		N. ROZIC							
CMP / R	11/20/03	Drafting	Date	11/20/03							
Made	Date	Reviewed By	Date	11/20/03							
TASK NUMBER						Scale	DRAWING NUMBER		REV		

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'AutoCAD' Supported Drawing

SHT 3 OF 3

REV		REV			Station : NILES PLANT							
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		Discipline	Architectural	Civil	Electrical	Mechanical	D-6087			AS NOTED	SS-744-3004	0
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